

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SUJANIE V.S.V. GAMAGE aka)
SUJANIE GAMAGE-SAMARASEK,)

Plaintiff,)

vs.)

Case No.: 2:12-cv-00290-GMN-VCF

ORDER

THE STATE OF NEVADA ex rel.)
BOARD OF REGENTS OF THE)
NEVADA SYSTEM OF HIGHER)
EDUCATION, on behalf of THE)
UNIVERSITY OF NEVADA, LAS)
VEGAS; a Political Subdivision of the)
State of Nevada; VERNON HODGE,)
individually and in his official capacity as)
an employee of the University of Nevada,)
Las Vegas; and DOES I-XX inclusive,)
Defendants.)

Pending before the Court for consideration is the Report and Recommendation (“R&R”) of the Honorable Cam Ferenbach, United States Magistrate Judge. Plaintiff Sujanie Gamage-Samarasek (“Gamage”) filed an Objection. (ECF No. 83.) Gamage’s former counsel, The Bach Law Firm, also filed an Objection. (ECF No. 87.) Defendant The State of Nevada *ex rel.* Board of Regents of the Nevada System of Higher Education, on behalf of the University of Nevada, Las Vegas (“UNLV”) filed its Response to Gamage’s Objection (ECF No. 88) and its Response to The Bach Law Firm’s Objection (ECF No. 89). Gamage and The Bach Law Firm each filed a Reply. (ECF Nos. 90–91).

For the reasons discussed below, the Court will accept and adopt Magistrate Judge Ferenbach’s Report and Recommendation (ECF No. 77) in full.

1 **I. BACKGROUND**

2 This case arises from Gamage's removal from the Chemistry Ph.D. program at the
3 University of Nevada, Las Vegas. (Compl. ¶ 18, ECF No. 1). The Court granted
4 summary judgment on all counts in favor of UNLV (ECF No. 54), and UNLV
5 subsequently filed a Motion for Attorneys' Fees and Costs (ECF No. 57).

6 This action was referred to Judge Ferenbach pursuant to 28 U.S.C. § 636(b)(1)(B)
7 and District of Nevada Local Rule IB 1-4. Accordingly, Judge Ferenbach recommended
8 that this Court enter an order that UNLV's Motion for Attorneys' Fees and Costs (ECF
9 No. 57) be granted in part and denied in part. Specifically, Judge Ferenbach
10 recommended that judgment be entered against Gamage, The Bach Law Firm, and Jason
11 Bach, jointly and severally, in the amount of \$43,623.56, for attorneys' fees and interest
12 on the judgment. Judge Ferenbach also recommended that UNLV's request for costs be
13 denied as moot and that judgment be entered against Gamage individually for costs
14 already taxed and interest on costs already taxed in the amount of \$2,291.71.

15 **II. LEGAL STANDARD**

16 A party may file specific written objections to the findings and recommendations
17 of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. §
18 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must
19 make a *de novo* determination of those portions of the Report to which objections are
20 made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-
22 2(b).

23 **III. DISCUSSION**

24 The Court has reviewed the arguments in Gamage's Objection (ECF No. 83) and
25 Reply (ECF No. 90), The Bach Law Firm's Objection (ECF No. 87) and Reply (ECF No.

91), and UNLV's Response to each objection (ECF No. 88–89). The arguments presented by Gamage and The Bach Law Firm in their objections reflect the same arguments presented in their responses to UNLV's Motion for Attorneys' Fees and Costs. (See Gamage's Response, ECF No. 66; *see also* The Bach Law Firm's Response, ECF No. 67). Nevertheless, the Court has reviewed *de novo* the entirety of the record upon which Judge Ferenbach's Report relied, and the Report itself. Upon such review, the Court has determined that Judge Ferenbach's findings are thoroughly supported by the record, and will accept the findings in full.

IV. CONCLUSION

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 77) is **ACCEPTED** and **ADOPTED** in full.

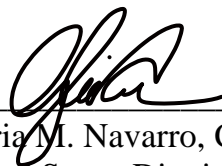
IT IS FURTHER ORDERED that the Motion for Attorneys' Fees and Costs (ECF No. 57) is **GRANTED in part** and **DENIED in part** in accordance with the Report and Recommendation of Magistrate Judge Cam Ferenbach.

IT IS FURTHER ORDERED that Gamage, The Bach Law Firm, and Jason Bach are jointly and severally liable to UNLV in the amount of \$43,623.56 for UNLV's attorney's fees and interest on the judgment.

IT IS FURTHER ORDERED that Gamage is individually liable to UNLV for costs already taxed and interest on costs already taxed in the amount of \$2,291.71.

The clerk shall enter judgment accordingly.

DATED this 15 day of September, 2014.



Gloria M. Navarro, Chief Judge
United States District Court